IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,		0.4500074
	Plaintiff,) 8:15CR271)
	VS.	DETENTION ORDER
SA	MUEL AVENDANO-PEREZ,	
	Defendant.	
A.	Order For Detention After conducting a detention hearing purs Act on August 28, 2015, the Court or pursuant to 18 U.S.C. § 3142(e) and (i).	suant to 18 U.S.C. § 3142(f) of the Bail Reform ders the above-named defendant detained
B.	The Court orders the defendant's detent X By a preponderance of the exconditions will reasonably assure X By clear and convincing evidence	
C.	contained in the Pretrial Services Repor X (1) Nature and circumstances of X (a) The crime: the distribut of 21 U.S.C. § 841(a)(imprisonment and a m (b) The offense is a crime (c) The offense involves a (d) The offense involves a	the offense charged: tion of methamphetamine (Count I) in violation (1) carries a minimum sentence of five years naximum of forty years imprisonment. to of violence. a narcotic drug. I large amount of controlled substances, to wit:
	may affect wh The defendar X The defendar The defendar The defendar The defendar ties. Past conduct The defendar Court proceed	nt appears to have a mental condition which nether the defendant will appear. In the no family ties in the area. In that no steady employment. In that no substantial financial resources. In the not a long time resident of the community. In the defendant: In the a history relating to drug abuse. In the a significant prior criminal record. In the a prior record of failure to appear at

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X	Release pending trial, sentence, appeal or completion of sentence. (c) Other Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other: (4) The nature and seriousness of the danger posed by the defendant's
	release are as follows: The nature of the charges in the Indictment and the defendant's criminal history.
<u>X</u>	(5) Rebuttable Presumptions In determining that the defendant should be detained, the Court also relied
	on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)
	which the Court finds the defendant has not rebutted: X (a) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:
	(1) A crime of violence; or (2) An offense for which the maximum penalty is life
	imprisonment or death; or
	X (3) A controlled substance violation which has a maximum penalty of 10 years or more; or
	(4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.
	X (b) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety
	of the community because the Court finds that there is probable
	cause to believe: X (1) That the defendant has committed a controlled
	substance violation which has a maximum penalty of
	10 years or more. (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

 D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending

 appeal; and

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- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: August 28, 2015. BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge